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TO: Examiner Sager  
571-273-8300DATE: 7/3/2008FROM: Julie Lange on behalf of Scott  
HawranekTIME: 2:24:45 PMDocket No. 80405.0053Serial No. 10/801,425TOTAL NO. OF PAGES, INCLUDING COVER: 4

Examiner Sager,

Following is an Applicant Initiated Interview Request form with agenda for serial no. 10/801,425.

Please contact Scott Hawranek to set-up an interview time or if you have any questions at 719-448-5920.

Best Regards,

Julie Lange

IP Specialist

For Hogan &amp; Hartson LLP

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### Applicant Initiated Interview Request Form

Application Number: 10/801,425  
 Examiner: Sager, Mark Alan

First Named Applicant: Jeremy G. Dunne et al.  
 Art Unit: 3714 Status of Application: Pending

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**Tentative Participants:**

(1) Scott Hawranek, Reg. No. 52,411

(2) \_\_\_\_\_

(3) \_\_\_\_\_

(4) \_\_\_\_\_

Proposed Date of Interview: \_\_\_\_\_

Proposed Time: \_\_\_\_\_ (AM/PM)

**Type of Interview Requested:**

(1) ☒ Telephonic

(2) ☐ Personal

(3) ☐ Video Conference

Exhibit To Be Shown or Demonstrated: ☐ YES

☐ NO

If yes, provide brief description: \_\_\_\_\_

### Issues To Be Discussed

Issues (Rej., Obj., etc)	Claims/ Fig. #s	Prior Art	Discussed	Agreed	Not Agreed
(1) All in general	All in general	All relied upon	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(2) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(3) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
(4) _____	_____	_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Continuation Sheet Attached

Brief Description of Arguments to be Presented:

See Agenda: \_\_\_\_\_

An interview was conducted on the above-identified application on \_\_\_\_\_

**Note:**

This form should be completed by applicant and submitted to the examiner in advance of the interview (see MPEP §713.01).

This application will not be delayed from issue because of applicant's failure to submit a written record of this interview. Therefore, applicant is advised to file a statement of the substance of this interview (37 CFR 1.133(b)) as soon as possible.

(Applicant/Applicant's Representative Signature)

(Examiner/SPE Signature)

Scott J. Hawranek

Typed/Printed Name of Applicant or Representative

52,411

Registration Number, if applicable

Send to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

Attorney Docket No. LT10043  
Client Matter No. 80405-0053

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appl. No. 10/801,425

Confirmation No. 2057

Inventor(s): Jeremy G. Dunne and  
David Williams

Title: RANGEFINDING  
INSTRUMENT AND METHOD  
FOR AUTOMATICALLY  
DETERMINING AND  
PROVIDING USER SPECIFIC  
SUGGESTIONS FOR  
GOLFING APPLICATIONS

Filed: March 16, 2004

Art Unit: 3714

Examiner: SAGER, Mark Alan

Docket No. LT10043

AGENDA

Sir:

ISSUES FOR REVIEW

Applicant has provided the following agenda for the interview in order for the Examiner to be properly appraised of the issues that may be discussed during the interview.

**A. Rejections of Record.**

General discussion of all of the rejections of record with a specific focus on the factual basis upon which the Examiner relies to establish each element of every claim supporting the *prima facie* case of obviousness of all rejections. Specific discussion of each reference and how they set forth a *prima facie* case of obviousness with regard to every element set forth in independent claims 1 and 23.

**B. Reliance on KSR to Support Conclusion of Obviousness.**

General discussion of the Examiner's reliance upon KSR to support a conclusion of obviousness. Specific discussion on the Examiner assertion,

[I]n consideration of US Supreme Court decision in KSR, because Jenkins and Zeiner-Gundersen each in view of either Johnstone or Mauritz, Harris and Hines each teach mehtos of [player] input of a range to target in golf, it would have been obvious to an artisisan to substitute one method for the other to achieve the predictable result of input of range to target. The

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improvement for use of laser rangefinder over milliradian process is implicit in the accuracy of technology. (Office Action at 6).

**C. Reliance on Inherency by Examiner with regard to establishing features of claim 1.**

Specifically, discussion on the Examiner's reliance on inherency with regard to establishing features of claim 1. More specifically, in the Office Action the Examiner purports the features of claim 1, "a data store associated with said instrument and said user input for maintaining said at least one golf club type and said at least one representative user range as a first correlated data set" is an inherent feature of U.S. Patent No. 6,059,672. Clarification of the Examiner's position will be discussed.

**D. General Rejection Clarification.**

A clarification of the rejections will also be discussed as the use of alternatives and other shortcuts makes the rejection very difficult to follow. The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. More specifically, pursuant to M.P.E.P. § 2142,

[i]f the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of non-obviousness.... The key to supporting any rejection under 35 U.S.C. § 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Federal Circuit has stated that, "rejections on obviousness cannot be sustained with mere conclusory statements....

Therefore, a clarification of the rejections will be requested.

Respectfully submitted,

July 3, 2008

  
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